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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------------|
| 10/743,193 | 12/22/2003 | Jared D. Pentecost | 22079-3 | 6890 |
| 30565 | 7590 | 10/12/2007 | EXAMINER | |
| WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP 111 MONUMENT CIRCLE, SUITE 3700 INDIANAPOLIS, IN 46204-5137 | | | | MCCORMICK, GABRIELLE A |
| ART UNIT | | PAPER NUMBER | | |
| 3629 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/743,193 | PENTECOST ET AL. |
| | Examiner | Art Unit |
| | Gabrielle McCormick | 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/3/2004 & 9/13/2004</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on December 22, 2003.
2. Claims 1-36 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed May 3, 2004 and September 13, 2004 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-18, 20-26, 28-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al. (US Pat. No. 5,592,375 hereinafter referred to as "Salmon") in view of Hoyt et al. (US Pat. No. 6,085,195 hereinafter referred to as "Hoyt").
6. Discussion of Prior Art: Salmon discloses a network-based system for matching candidate (seller) profile information with employer (buyer) needs. The candidate profile information includes still and video images for conveying answers to interview questions. Salmon discloses the use of a kiosk for collection of multi-media information. Hoyt discloses a kiosk/booth system for capturing and distributing still and moving video images to a web site.

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7. **Claim 1:** Salmon discloses
8. *video kiosks are operative to record a plurality of videos (C6; L13-18) and transmit the recorded videos over a network to a video collection server (C14; L20-25) so each of the recorded videos can be associated with a corresponding portfolio in a database containing a plurality of portfolios. (C3; L15-18).*
9. Salmon does not disclose *a plurality of video kiosks distributed across multiple locations.*
10. Hoyt, however, discloses "publicly located photo kiosks or booths". (C1; L35).
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of kiosks, as disclosed by Hoyt in the system disclosed by Salmon, for the motivation of providing a user with a conveniently located kiosk such as at "amusement parks, shopping malls, and alike". (Hoyt; C1; L43).
12. **Claim 13:** Salmon discloses
13. *receiving a video recording of a person (C3; L28-37) transmitted from the video kiosk location over a network; (C14; L20-25) storing the video recording in a portfolio associated with the person; (C3; L32-35) and providing an authorized user with access to the portfolio. (C3; L40-42).*
14. Salmon does not disclose *a plurality of video kiosks locations.*
15. Hoyt, however, discloses "publicly located photo kiosks or booths". (C1; L35).
16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of kiosks, as disclosed by Hoyt in the system disclosed by Salmon, for the motivation of providing a user with a conveniently located kiosk such as at "amusement parks, shopping malls, and alike". (Hoyt; C1; L43).
17. **Claim 21:** Salmon discloses
18. *visiting a video kiosk; entering identifying information to access a profile; selecting a begin recording option to begin recording a video with a camera; speaking a message into the camera; and selecting a stop recording option to stop recording the video with the camera. (C6; L13-18)*
Salmon discloses both a microphone and a video camera for creating video clips. It is inherent that the functions of starting recording, speaking, and stopping would be performed during the

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course of creating the clip. C6; L25-28: a profile is obtained by entering the product (i.e., seller) name.)

19. Salmon does not disclose a *plurality of video kiosks locations*.
20. Hoyt, however, discloses "publicly located photo kiosks or booths". (C1; L35).
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of kiosks, as disclosed by Hoyt in the system disclosed by Salmon, for the motivation of providing a user with a conveniently located kiosk such as at "amusement parks, shopping malls, and alike". (Hoyt; C1; L43).
22. **Claim 34:** Salmon discloses *video kiosk is operative to record a video of a user (C6; L13-18) and transmit the recorded video over the network to a video collection server so the recorded video can be associated with a corresponding portfolio in a database containing a plurality of portfolios.* (C14; L20-25 and C3; L32-35)
23. Salmon does not disclose the *video kiosk having a storage unit that houses a video camera coupled to a computer, said computer including a central processing unit, a display, an input means*.
24. Hoyt, however, discloses a kiosk with features including CPU, display and touch-screen. (Fig. 3).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a CPU and the various structural features of a kiosk, as disclosed by Hoyt, in the system disclosed by Salmon, for the motivation of providing the equipment necessary to perform the action of creating a video presentation, as disclosed by Salmon.
26. **Claim 2:** Salmon discloses a web server (C14; L20-25) and an authorized user accessing the portfolio. (C3; L40-42).
27. **Claims 3 and 18:** Salmon discloses searching for specified criteria and accessing matches. (C7; L51-58).
28. **Claims 4, 14, 15, 16 and 35:** Salmon discloses transaction applications including hiring and college. (C2; L21-23).

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30. **Claims 6, 20 and 33:** Salmon discloses a video interview. (C6; L51-58).
31. **Claims 7-12, 24 and 25:** Salmon discloses a kiosk with a video camera (C6; L13-16), but not coupled to a computer with CPU, display or touch-screen. Salmon also does not disclose the structural features of the kiosk.
32. Hoyt, however, discloses a kiosk with features including CPU, display and touch-screen. (Fig. 3). Hoyt further discloses a free-standing unit housing the camera and computer (C9; L36-37); a bench (C5; L9); walls (C4; L62-63); a door (C5; L54-55); entry and exit (C4; L55-56); totally enclosed booth (C7; L36-37); a curtain (Fig. 1); and positioning the camera to point to the user(s). (C6; L59-60).
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a CPU and the various structural features of a kiosk, as disclosed by Hoyt, in the system disclosed by Salmon, for the motivation of providing the equipment necessary to perform the action of creating a video presentation, as disclosed by Salmon.
34. **Claim 17:** Salmon discloses the authorized user is the person. (C6; 18-21: the seller (a person) is able to access the profile information to edit it).
35. **Claim 22:** Salmon discloses updating a Product Profile (C14; L11-19). It is inherent that since a profile can be updated, it must be able to exist prior to visiting the kiosk, since the kiosk serves as a Seller's Interface.
36. **Claim 23:** Salmon discloses creating a new profile (C4; L40-42). It is inherently accessed when the video clip is incorporated (C3; L34-36).
37. **Claim 26:** Salmon does not discloses a review option to review the video, however, Salmon discloses both a VCR and a video camera, both of which inherently contain rewind and play functions that would allow the video to be reviewed.
38. **Claim 28:** Salmon discloses a still image (C2; L31-33).
39. **Claims 29-30:** Salmon discloses "variable amounts of multimedia information". It is obvious that a seller would select a video clip to be stored. A seller would be motivated to present himself/herself in the best possible light to a potential employer.

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40. **Claim 31:** Salmon discloses transmitting the Product Profile over a network from the seller's interface (kiosk) to the database server. (C14; L20-25).
41. **Claims 5, 19 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al. (US Pat. No. 5,592,375 hereinafter referred to as "Salmon") in view of Hoyt et al. (US Pat. No. 6,085,195 hereinafter referred to as "Hoyt") in view of Cascio (Managing Human Resources: Productivity, Quality of Work Life, Profits. 1998. The McGraw-Hill Companies, Inc. USA. Fifth Edition).
42. **Claims 5, 19 and 32:** Salmon is view of Hoyt disclose the limitations of claims 1, 13 and 21. Salmon does not disclose a *video resume*.
43. Cascio, however, discloses the use of video resume for job-hunting on pg. 210.
44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included video resumes, as disclosed by Cascio, in the system disclosed by Salmon, for the motivation of providing job candidates with the opportunity to present themselves in the "best possible light." (Cascio; pg. 210).
45. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al. (US Pat. No. 5,592,375 hereinafter referred to as "Salmon") in view of Hoyt et al. (US Pat. No. 6,085,195 hereinafter referred to as "Hoyt") in view of Skarbo et al. (US Pat. No. 5,764,901 hereinafter referred to as "Skarbo").
46. **Claim 27:** Salmon is view of Hoyt disclose the limitations of claim 21. Salmon does not disclose displaying words in a teleprompt script.
47. Skarbo, however, discloses using a teleprompting function to aid a user while recording an audio/visual greeting. (C5; L14-31).
48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a teleprompter, as disclosed by Skarbo, in the system disclosed by Salmon, for the motivation of providing a means that allows the user to easily read a prepared

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message without glancing down at notes. This would provide a job candidate with a very polished and professional presentation of himself/herself.

49. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon et al. (US Pat. No. 5,592,375 hereinafter referred to as "Salmon") in view of Hoyt et al. (US Pat. No. 6,085,195 hereinafter referred to as "Hoyt") in view of Farris (US Pub. No. 2003/0208752).
50. **Claim 36:** Salmon in view of Hoyt disclose the limitations of claim 34. Salmon does not disclose an employer recording one of: *a job description, a description of ideal qualifications, a company profile, and interview questions.*
51. Farris, however, discloses a company (employer) using video applications to pose questions to an employee candidate. (P [0007]).
52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an employer posing questions via video, as disclosed by Farris, in the system disclosed by Salmon, for the motivation of evaluating a job candidate. (Farris; P [0007]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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